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PATENT  
Attorney Docket No. CPC-003CPCN2  
(1419/6)

#9  
DL  
9/12/2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Biondi et al.  
SERIAL NO.: 09/931,572 GROUP NO.: 3761  
FILING DATE: August 14, 2001 EXAMINER: Mitchell, T. K.  
TITLE: VENTILATOR CONTROL SYSTEM AND METHOD

Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE**

Sir:

In response to the Office Action mailed July 24, 2002 in connection with the above-referenced patent application, Applicants respectfully submit the following remarks. Applicants believe that no fees are due. Should Applicants be in error, please charge deposit account no. 20-0531.

**REMARKS**

According to the Office Action, Applicants' Amendment and Response mailed to the U.S. Patent Office on June 5, 2002 was not fully responsive because Applicants requested that the double-patenting rejection of claims 11 to 38 be held in abeyance until a determination of allowable subject matter is made.

Applicants respectfully traverse the Examiner's determination that the Response filed by Applicants on June 5, 2002 was non-responsive for the reasons given in the Office Action and respectfully request reconsideration of the Response for the reasons provided below.

According to the Office Action mailed from the U.S. Patent Office on March 15, 2002, claims 11-38 are pending in this application. No claim is allowed. All claims (11-38) are rejected under the judicially-created doctrine of obviousness-type double-patenting. Applicants